

exhibited by the cited heteroconjugates in Ghetie *et al.* ***is not caused by the conjugates but by linked cytotoxic moieties.***

***Bosslet et al. also teaches away from the use of a homoconjugate.*** In particular, the reference relies on a heteroconjugate comprising “F(ab) fragments of antibodies of two or more different specificities by means of suitable linkers.” See Col. 1, lines 10-15. Once again, ***two specificities are used to achieve the desired results.*** See Col. 1, lines 66-67 and Col. 2 lines 1-3. Thus, the reference also teaches away from the claimed homoconjugates.

With regard to the Wolff reference, Applicants note that, as described above, ***the reference is not properly combinable with the other cited references.*** As described in Applicants’ prior Response to Office Action, the “mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” MPEP § 2143.01 citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). Here, not only is there no suggestion to combine, but the aforementioned references ***teach away*** from a combination with Wolff or other references concerning homoconjugates. Therefore, Wolff cannot be properly combined with the references. Because Wolff and the other cited reference fail to teach or suggest the claimed invention, the claims are not obvious.

In view of the foregoing, Applicants respectfully request that the rejection of claims 1-3, 6-15, 18-25, 43-45 and 48-51 under 35 U.S.C. § 103 be withdrawn.

#### **E. Conclusion**

In conclusion, Applicants submit that, in light of the foregoing amendments and remarks, the present case is in condition for allowance, and such favorable action is respectfully requested.

If the Examiner has any questions or comments, a telephone call to the undersigned Applicants' representative at (512) 536-3035 is earnestly solicited.

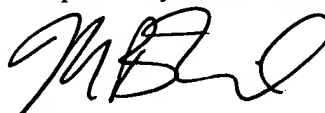
### **III. REQUEST FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions for an extension of time of one month to and including February 12, 2001, in which to respond to the Examiner's final Office Action dated October 12, 2001.

Pursuant to 37 C.F.R. § 1.17, a check in the amount of \$55.00 is enclosed, which is the process fee for a one-month extension of time.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/10017628/MW01999.

Respectfully submitted,



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Date: February 12, 2001

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